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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,874	12/31/2001	Guy Roberts	US010686	6434

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/038,874	ROBERTS ET AL.
	Examiner	Art Unit	
	Sy D. Luu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 March 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 May 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the RCE and Amendment filed 3/23/2007.

2.   Claims 1-25 are pending in this application. Claims 1, 6, 11, 16 and 23 are independent claims. In the instant Amendment, claims 1, 4-6, 9-11, 14-20 were amended, and claims 21-25 were added.   This action is made Non-Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4.   Claims 1, 3-6, 8-11, 13-16, and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Maissel et al. ("Maissel", US 6,637,029 B1).

As per claims 6 and 9-10, Maissel teach a content reception system comprising:

a input receiving content and information items regarding the content, wherein the information items form a search pool (col. 12, lines 16-34; col. 13, lines 34-40; *viewer preference profile providing a search criteria*) ; and

a display controller receiving search results from a search on the search pool and generating a plurality of graphical elements representative of each available item within a search pool, a graphical feature of each graphical element depending upon a relevance of the associated item to specified criteria (fig. 9D; *col. 20, lines 3-17; results of search based on the preference profile showing graphical elements 395, 397 and 390 with different images depicting different graphical feature for each graphical element depending upon relevancies*)

wherein the graphical element is automatically updated in response to any change to the specified criteria or the search pool (*results of search showing in fig. 9D would clearly be changed automatically upon any change made to viewer preference profile and the display of the same fig. 9D being refreshed*),

wherein the graphical element is dyna automatically updated whenever the specified criteria are changed by either adding; deleting or modifying a search query element or updating a user profile, and wherein the graphical element is dynamically updated whenever an item is added or deleted from the search pool (col. 12, lines 46 et seq.; *results of search showing in fig. 9D would clearly be changed automatically upon any change made to viewer preference profile and the display of the same fig. 9D being refreshed*).

As per claim 8, Maissel teach one or more graphical elements are representative of multiple items within the search pool and serving as a user control triggering expanded display of additional graphical elements each representative of a subset of the multiple items (col. 20, line 60 – col. 21, line 29; *graphical elements are stored and displayed in a hierarchical manner and could be expanded by user initiation*).

Claims 1 and 3-5 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 11 and 13-15 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 16 and 18-20 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

As per claim 21, Maissel teaches the medium to be storage medium (*inherent to the system so that pertinent information could be stored and processed as required*).

As per claim 22, Maissel teaches the graphical feature to be automatically updated without user intervention in response to any change to the specified criteria or the search pool (col. 12, lines 46 et seq.; *graphical elements shown in fig. 9D as a result of search would clearly be changed automatically without user intervention after any change made to viewer preference profile and the display of the same fig. 9D being refreshed*).

Claims 23-24 are similar in scope to claim 6, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

5.   Claims 2, 7, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. ("Maissel", US 6,637,029 B1) in view of Sciammarella et al. ("Sciammarella", US 5,982,369 A).

Maissel teaches all of the limitations as applied to claim 6 above. However, Maissel does not teach the graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria further comprises one of a size of the graphical element or a perceived proximity of the graphical element to a viewer. Sciammarella teaches a method for providing a graphical feature of graphical elements in a user interface, wherein depending upon the relevance of associated items to specified criteria, graphical elements are affected by size (fig. 2; col. 3, lines 32-48). It would have been obvious to an artisan at the time of the invention

to combine Sciammarella's teaching with the system of Maissel in order to provide a user with an immediate visual feedback of the most relevant search results according to the user's preferences.

Claims 2, 12, 17 are individually similar in scope to claim 7, and are therefore rejected under similar rationale.

6.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. ("Maissel", US 6,637,029 B1) in view of Heckerman et al. ("Heckerman", US 6,216,134 B1).

As per claim 25, while Maissel teaches the graphical element to be updated, and the graphical element is updated automatically without user intervention when a change is made to the specified criteria or the search pool (col. 12, lines 46 et seq.; *graphical elements shown in fig. 9D as a result of search would clearly be changed automatically without user intervention after any change made to viewer preference profile and the display of the same fig. 9D being refreshed*), Maissel does not disclose the updated graphical element is viewable automatically without user intervention.   Heckerman teaches a method for visualization of searched information, wherein graphical elements are updated and the updated graphical elements are viewable automatically without user intervention when a change is made to the specified criteria (figs. 2; col. 5, lines 33-47).   It would have been obvious to an artisan at the time of the invention to combine Heckerman's teaching with Maissel's method in order to improve on Maissel's method with an immediate visual feedback when a change to the criteria is made.

Response to Arguments

7.   Applicant's arguments with respect to the independent claims have been fully considered

but they are not persuasive.

Applicant argues that: (a) the Office does not clearly explain the pertinence of the cited

reference; (b) Maissel does not teach or suggest that customized program schedule information is

updated in response to any change to specified criteria or search pool; (c) Maissel's graphical

elements are not automatically updated, and not every update or change is interpretable to be

automatic; and (d) the graphical feature is automatically updated without user intervention in

response to any change to the specified criteria or the search pool.

Per (a), as requested the Examiner has made every effort possible to ensure that specific

and detail citations of the applied prior art are clearly explained in this Office Action in light of

each claim limitation.

Per (b), as detailed in the rejection of claim 6 above, the graphical elements shown in fig.

9D as a result of search would clearly be changed automatically upon any change made to viewer

preference profile, and the display of the same fig. 9D being refreshed thereafter (col. 12, lines

46 et seq.).

Per (c), it can be realized that, e.g., when Maissel's graphical element is updated, it is

updated automatically because an update could imply or mark a change, and any change is

interpretable to be automatic by the system. Furthermore, as long as there is an update that is

interpretable to be automatic, the claim language is still read on by Maissel's teaching.

Per (d), it is noted that the graphical elements shown in fig. 9D as a result of search

would clearly be changed automatically without user intervention after any change made to

viewer preference profile and the display of the same fig. 9D being refreshed (col. 12, lines 46 et seq.).
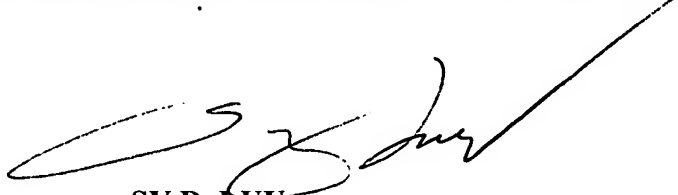
Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174

SDL: 10/12/06